

Town of Mashpee

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ph: (508) 539-1400

February 9, 2015

AGENDA BOARD OF SELECTMEN MONDAY, FEBRUARY 9, 2015

6:30 p.m. – Convene Meeting – Waquoit Meeting Room – Mashpee Town Hall

PLEDGE OF ALLEGIANCE **MOMENT OF SILENCE**

MINUTES

Approval of the following:

Friday, April 18, 2014 – Regular Session

Monday, January 5, 2015 – Regular and Executive Session

APPOINTMENTS & HEARINGS

6:30 Public Comment

6:40 Mashpee TV Liaison Update

COMMUNICATIONS & CORRESPONDENCE

- Discussion Relative to E-Mail Harassment

OLD BUSINESS

- Discussion Relative to Inclusion of South Cape Beach Road Access Funds

NEW BUSINESS

- Acceptance of Letter of Retirement – Town Manager
- Discussion of Search Committee Process – Town Manager Position – **Vote Required**
- Authority to Deficit Spend Snow and Ice – **Vote Required**
- Request for Appointment – Mashpee Cultural Council – **Vote Required**
- Mashpee Wampanoag Rod & Gun Club – Request for 3 One-Day Licenses – **Vote Required**
- Community Advisory Committee Discussion
- Feasibility Study Determination – 950 Falmouth Road – **Vote Required**
- Request for Appointment – Affordable Housing Committee – **Vote Required**
- Request for Appointment – Associate Member/Shellfish Commission – **Vote Required**
- Mills Land Transfer Discussion

ADDITIONAL TOPICS

- Certify & Confirm Hiring Certification for Firefighter/Paramedic – **Vote Required**
- Memorandum of Agreement (MOA) – Clerical Unit – **Vote Required**

LIAISON REPORTS

EXECUTIVE SESSION

- Memorandum of Agreement (MOA) – Clerical Unit – **Vote Required**

Present: Selectman Taylor, Selectman Richardson, Selectman Sherman,
Selectman Cahalane, Selectman Gottlieb
Town Manager Joyce Mason
Assistant Town Manager Tom Mayo

Meeting Called to Order by Chairman Taylor at 6:30 p.m.
Mashpee Town Hall, Waquoit Meeting Room

MINUTES:

Friday, April 18, 2014 – Regular Session:

It was noted the above referenced minutes were previously approved by the Board of Selectmen on April 28, 2014.

Monday, January 5, 2015 – Regular & Executive Sessions:

Motion made by Selectman Cahalane to approve the Regular and Executive Session minutes of Monday, January 5, 2015 as presented.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

APPOINTMENTS & HEARINGS:

Public Comment:

Mashpee Dog Park Committee:

Mashpee Dog Park Committee Chairman Tom Fox was in attendance with representatives from the Dog Park Committee to present a check to the Town in the amount of \$20,480.30 which represents a 10% match and commitment toward the construction of the new Mashpee Dog Park.

The Mashpee Dog Park will be constructed on a one-acre parcel of Town-owned land off Ashumet Road across from the Heritage Park Recreational facility. The remainder of the construction funds, approximately \$184,404 will be privately funded. Work is ongoing and weather dependent for completion in the spring.

APPOINTMENTS & HEARINGS:

Mashpee TV Liaison Update – Mary Lou Palumbo:

Mary Lou Palumbo, a member of the Mashpee TV Board of Directors updated the Selectmen on recent activities and events planned at the Mashpee Community Media Center. Peter Zawadzki, Station Manager was also present for discussion purposes.

The general report was outlined in an email addressed to the Board of Selectmen dated January 21, 2015. At the facility a new classroom is ready for use by iCape Solutions offering free basic computer classes. In addition, online training courses are planned to promote community awareness and outreach.

Recent project development includes an 8-week workshop at the Boys and Girls Club and the construction of a small mini studio at the Cape Cod Children's Museum. Two part-time staff positions are anticipated to begin in mid-February to assist with marketing and the reporting of new and continued programming.

Completed productions include the Mashpee Chamber Holiday Parade, the Holiday Food Drive, the New England Ballet Nutcracker, and two Men's Club Events. Ongoing featured programs involve the Something About Mashpee sequences, the development of the new Mashpee Community Park, the Heroes in Transition program including the annual awards ceremony and the Cape Cod Skating Classic. A special cooking show and tour is planned on the research vessel RV Knorr. Also scheduled are spotlights to highlight Mashpee Hockey and Mashpee Commons.

Ms. Palumbo indicated that Mashpee TV is a facility for the community and about the Mashpee Community. Mashpee TV is currently seeking volunteers to assist with new and ongoing projects and programming.

It was noted the Agreement with respect to the operation of the Mashpee Community Media Center is due to expire on May 21, 2015 and should be reviewed by the Board of Selectmen.

COMMUNICATIONS & CORRESPONDENCE:

Discussion relative to E-Mail Harassment:

Selectman Gottlieb brought forth the matter of e-mail harassment that has been pursued in the Town of Mashpee and trailed to other Cape officials on the County level. Selectman Gottlieb indicated that this is a persistent and epidemic development that has subjected Cape officials to what is considered as vicious harassment. It has become apparent that an anonymous individual is sending message under falsified identities.

Selectman Gottlieb indicated that he was targeted by an anonymous and fabricated e-mail source regarding his appropriateness as a member of the Board of Selectmen. Selectman Gottlieb indicated that he attempted to respond to this source, but the e-mail disseminated by an individual named Tiffany Taylor has reason to be fictitious as there is no record in Mashpee of her existence, and there no Internet presence located for this illusive individual. This makes it difficult to determine who is transmitting broadcast e-mails during late night hours.

Attempts to contact the e-mail sender directly to discuss the allegations have not materialized but have vaporized. Selectman Gottlieb in concern explained that it has been a one-way conversation with no form of detection. This action is deemed cowardly, and it has driven good people out of public service, and prevented others from pursuing public service.

A complaint was alleged by the e-mail transmitter that there was a conflict of interest with Selectman Gottlieb at the time the Board voted to pursue funding for wastewater assistance. Although Selectman Gottlieb holds the position of Executive Director of the Cape Cod Water Protection Collaborative, there is no conflict of interest as Selectman Gottlieb recused himself entirely from this issue.

Selectman Gottlieb indicated that he expects this type of harassment to continue, and that he will remain open and willing to speak with anyone about this matter.

COMMUNICATIONS & CORRESPONDENCE:

Snow & Ice Response Report:

A report regarding Snow & Ice Response relative to Winter Storm Juno was prepared by the Director of Public Works. It was agreed the concise report would be posted on the Town's website and on the Mashpee cable channel for informational purposes.

OLD BUSINESS:

Discussion relative to Inclusion of South Cape Beach Road Access Funds:

With the passing of the Environmental Bond bill, funding earmarked to the Town of Mashpee to consolidate the state park entrance by creating a single road access to the beaches, Selectman Gottlieb recommended the Board communicate with the new legislation in planning for the upcoming capital expenditure. It was suggested a letter outline the importance of this project to the Town of Mashpee and in funding consideration, to request assistance for the inclusion of South Cape Beach Road Access Funds in the upcoming capital budget.

Motion made by Selectman Gottlieb to remit a letter to Governor Baker regarding the inclusion of South Cape Beach Road Access Funds in the upcoming capital plan.

Motion seconded by Selectman Richardson.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

NEW BUSINESS:

Acceptance of Letter of Retirement – Town Manager:

Correspondence was received from Joyce Mason; Town Manager dated February 4, 2015 notifying the Board of Selectmen of her intent to retire on July 17, 2015. Mrs. Mason has served the Town of Mashpee in a variety of positions for the past thirty-four years. The Board of Selectmen expressed appreciation to Joyce Mason for her career of dedicated service in the Town of Mashpee.

Motion made by Selectman Gottlieb to accept the resignation of Joyce Mason as Town Manager effective July 17, 2015 with regret.

Motion seconded by Selectman Richardson.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

Discussion of Search Committee Process – Town Manager Position:

In accordance with the mandates of the Town Charter, the Town Clerk assembles the first meeting of the Town Manager Search Committee. The Search Committee is comprised of the following membership; (2) members of the Board of Selectmen, (1) Finance committee member, the Town Moderator or a designee and representation from the Personnel Board.

It was noted that Town Counsel is currently reviewing the matter of the Search Committee make-up to determine how the committee is configured with the absence of a Personnel Board. After a brief review, it was determined if the ruling instructs the Board of Selectmen to act as the Personnel Board in the absence of a Personnel Board, a total of three Selectmen members would be appointed to the Town Manager Search Committee. It was noted that representation from Human Resources, the department which employs all personnel may be under consideration for this appointment.

With four members expressing an interest in serving on the Search Committee, the names were placed in a hat and drawn by Selectman Taylor who declined the appointment. The names were selected in the following order; Selectman Gottlieb, Selectman Sherman, Selectman Richardson.

NEW BUSINESS:

Discussion of Search Committee Process – Town Manager Position: (continued)

Motion made by Selectman Cahalane to appoint Selectman Gottlieb and Selectman Sherman to the Town Manager Search Committee with Selectman Richardson to serve as the 3rd Selectmen representative if the ruling so considers the Board of Selectmen to serve as the Personnel Board.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

Request for Appointment – Mashpee Cultural Council:

A letter of interest was received from John Miller dated January 20, 2015 seeking membership to the Mashpee Cultural Council. Mr. Miller attached an extensive list of past and present community and civic involvement activities that he has participated in to be considered for the position. Mr. Miller is a local business owner with a life-long interest and involvement in the arts and culture.

Motion made by Selectman Gottlieb to appoint John W. Miller to the Mashpee Cultural Council.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

NEW BUSINESS:

Mashpee Wampanoag Rod & Gun Club – Request for (3) One-Day Licenses:

Due to severe weather conditions, Courtenay Mills was unable to attend the Selectmen's Meeting to represent the Rod & Gun Club. The Board excused the attendance requirement and motioned as follows to approve the use of three liquor license dates.

Motion made by Selectman Cahalane to approve the request of the Mashpee Wampanoag Rod & Gun Club to use their liquor license for 2015 on the following dates; February 21, 2015, February 28, 2015 and March 21, 2015.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

Community Advisory Committee Discussion:

Correspondence was received from the Mashpee Sewer Commission dated January 26, 2015 relative to the Sewer Plan Community Advisory Committee.

It was explained the CAC is a critical element in planning regarding the MEPA Environmental Impact Report process and for public outreach and communication with adjacent towns. The committee is made up of 5 precinct representatives appointed by the

Board of Selectmen.

It was noted that an individual requested consideration on December 17, 2014 for appointment to fill the vacancy in Precinct 4.

Motion made by Selectman Gottlieb to appoint Sheldon Gilbert to the Sewer Plan, Community Advisory Committee representing Precinct 4.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

NEW BUSINESS:

Feasibility Study Determination – 950 Falmouth Road:

Discussion followed with respect to combining a feasibility study for the Town-owned sites; 950 Falmouth Road, 3.26 acres and 209 Old Barnstable Road, a 3.8 acre site for the purpose of establishing both sites for affordable housing.

Rolling grant funding is currently available through PATH, (Planning Assistance Towards Housing) which would offset costs associated to the estimated \$40,000 affordable housing study.

Motion made by Selectman Cahalane to combine the 950 Falmouth Road site with the 209 Old Barnstable Road site, and request PATH Grant funding to allow for the creation of feasibility study for affordable housing objectives.

Motion seconded by Selectman Richardson.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

Request for Appointment – Affordable Housing Committee:

Correspondence was received from Bruce Willard dated January 12, 2015 requesting consideration to be appointed to the Affordable Housing Committee. Mr. Willard is an active member in several organizations. As a former superintendent of schools, Mr. Willard was also involved in a number of building projects. References include Bud Abbott, Chair of the AHC and Berkley Johnson AHC member.

Motion made by Selectman Richardson to appoint Bruce Willard to the Mashpee Affordable Housing Committee.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

NEW BUSINESS:

Request for Appointment – Associate Member/Shellfish Commission:

A letter of interest dated December 23, 2014 was received from Brian Everett to serve as an Associate Member of the Shellfish Commission. Additional communication was received from Peter Thomas; Chair of the Shellfish Commission dated January 14, 2015 recommending the appointment.

Motion made by Selectman Cahalane to appoint Brian Everett to the Shellfish Commission as Associate Member.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

Mills Land Transfer Discussion:

The Board of Selectmen reviewed correspondence received from Town Counsel Patrick Costello dated December 4, 2014 relative to the Division of Fisheries & Wildlife determination to move forward with a Conservation Restriction on the Mills land acquisition within the Santuit Pond Reserve acquired by the Town in 2010, and also to apply a Conservation Restriction (CR) designation to Town owned tax foreclosed property with and in the vicinity of the Mills property.

It was disclosed that a Conservation Restriction was not a part of the original agreement, or vote of Town Meeting relative to the acquisition of the Mills property, a 15.24 acre site purchased with Community Preservation Act funding for open space purposes.

It is also the first time the Town has been informed of the DFW request. In discussion it was noted the additional parcels have not been referenced in prior Town Meeting authorizations and would require authorization if the Town was obligated to designate a conservation restriction on the Santuit Pond properties. The Mills property was purchased to enhance the Santuit Pond Preserve conservation area, link an almost contiguous wildlife corridor and protect the watershed of Santuit Pond. Therefore, the parcels as referenced would remain in conservation use until Town Meeting would vote otherwise so there is no immediate need for a CR to maintain this land in its conservation state.

Mills Land Transfer Discussion: (continued)

Selectman Gottlieb recommended the Board communication with the new administration, Governor Baker's office with correspondence copied to Lt. Governor Polito that clearly states the conservation restriction designation for the Mills Lands and the additional parcels were never part of the original Mills Lands agreement and should not be considered. Although the Community Preservation Committee has been awaiting reimbursement from the Town of Barnstable in the amount of \$150,000 to convey an interest in the Mills Lands to the Town of Barnstable, the transaction has taken five years to finalize. It was noted the Community Preservation Committee Chair was apprised on this matter and in his opinion; there should not be any restrictions on the property.

ADDITIONAL TOPICS:

Certify & Confirm Hiring Certification for Firefighter/Paramedic:

Motion made by Selectman Cahalane to place the above topic on the Selectmen's agenda.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

Fire Chief Tom Rullo was in attendance to request the Board approve the Hiring Certification for Firefighter/Paramedic at Step 1 of the intended pay scale. The candidate Scott Thomas has met the hiring policy and the background verification has been completed. The date of hire is February 23, 2015. Mr. Thomas has certification as EMS/PAR along with training in Fire Services

with Barnstable County and to offset costs, would attend the Fire Academy at a later date.

Motion made by Selectman Richardson to certify and confirm the Hiring of Scott Thomas as Firefighter/Paramedic to the Mashpee Fire Department.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

LIAISON REPORTS:

EDIC: The Town of Mashpee has received District Local Technical Assistance (DLTA) Grant funding in the amount of \$40,000.

The EDIC is partnering with the Cape Cod Commission RESET team. Undertakings include infrastructure financing and funding opportunities, fiscal impact modeling and a hotel feasibility study. The CCC has been requested to relax Chapter H threshold reviews in the Mashpee Executive Park to raise mandatory review thresholds for limited uses such as science and technology. Monthly updates will be submitted to the Board of Selectmen on the findings.

Schools: Selectman Sherman and Selectman Richardson recently had breakfast at the Mashpee High School Falcon Café where students are learning basic life skills.

Cape Summit: The Cape Summit; Designing Solutions for Clean Water will be held later this month at the Resort & Conference Center in Hyannis.

Water District Meeting: A meeting is scheduled with the Mashpee Water District for the purpose of reviewing matters associated to the management of wastewater.

Adjournment:

Motion made by Selectman Gottlieb to adjourn at 7:11 p.m.

The Board will enter into Executive Session for the purpose of discussing collective bargaining. The Board may reconvene in Open Session following discussion.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

Respectfully submitted,

Kathleen M. Soares
Secretary to the Board of Selectmen

IN THE MATTER OF EXECUTIVE SESSION

DATE: FEBRUARY 9, 2015

It is MOVED by: Selectman Gottlieb

That this governmental body hold an Executive Session.

A Roll was Called (see attached Roll Call).
The Clerk of this Executive Session was designated as:

Selectman Sherman

A quorum being present and a Majority having voted to go into Executive Session, the Chair states that:

1. This meeting Convened in Open Session and
 - A. Notice and Posting of the Meeting was Given. OR (X)
 - B. The Meeting is an Emergency Meeting. ()

2. After the Executive Session, the Meeting
 - A. Will Reconvene. (X) B. Will Not Reconvene. ()

3. The Purpose or Purposes of this Executive Session are:
 - A. To deliberate upon matters involving Individuals where the involved have been notified in writing of the open meeting, and regarding: Individuals meeting and have not requested an Individual.
 1. The Reputation and Character of the Individual. ()
 2. The Physical Condition and Mental Health of the Individual. ()
 3. The Discipline or Dismissal of a Public Officer, Employee, Staff Member or Individual. ()
 4. A Complaint or Charge brought Against a Public Officer, Employee, Staff Member or individual. ()
 - B. To Deliberate upon Matters which, if done in Open Meeting, could Detrimentially Affect the Position of the City, and regarding:
 1. Collective Bargaining. (X)
 2. Strategy with respect to Collective Bargaining. ()
 3. Strategy with respect to Litigation ()
 4. The Purchase, Exchange, Lease or Value of Real Property. ()
 - C. To Deliberate Matters regarding:
 1. The Deployment of Security Personnel Devices ()
 2. Allegations of Criminal Misconduct ()
 - D. To Comply with the Provisions of a General Law or Special Law or Federal Grant in Aid Requirement, the Specific Law being:
_____ ()

4. All of the foregoing is hereby made part of the official Minutes of this Body. (X)

Meeting reconvened: 7:21 p.m.

NEW BUSINESS:

Memorandum of Agreement (MOA) - Clerical Unit:

Motion made by Selectman Richardson to ratify the Memorandum of Agreement between the Town of Mashpee and the Service Employees International Union (SEIU) AFL-CIO Local 888.

Motion seconded by Selectman Cahalane.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

Adjournment:

Motion made by Selectman Richardson to adjourn at 7: 22 p.m.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Taylor, yes	Selectman Richardson, yes
Selectman Sherman, yes	Selectman Cahalane, yes
Selectman Gottlieb, yes	Opposed, none

Respectfully submitted,

Kathleen M. Soares
Secretary to the Board of Selectmen